

(3) Claim 11 under 35 U.S.C. §103(a) over Kiyoshi in view of U.S. Patent No. 4,598,276 (Tait).

Claim 6 is the sole independent claim of the present application. Kiyoshi is the only reference applied to claims 6-7, 10 and 12 and is the primary reference in the rejection of the remaining dependent claims. Applicant respectfully submits that claim 6, and thus the claims dependent thereon, are not obvious under 35 U.S.C. §103 in view of Kiyoshi.

The resonance security tag as claimed by applicant is distinct from the resonance label described in Kiyoshi. The label of Kiyoshi includes a circuit having two capacitors, C1 (21 and 23) and C2 (22 and 24), whereas applicant's claimed tag has one capacitor (4,6). The capacitor of claim 6 is formed by two plates generated on different sides of the dielectric foil material 2, and their arrangement with respect to each other is not changed by the folding thereof. The whole capacitor (both plates including dielectric) is relocated by the folding. The claimed structure is not one plate moved opposite to another plate by folding.

Further, applicant's claimed tag has two connection elements which are electrically connected to each

other. These connection elements do not correspond in structure to a capacitor such as capacitor Cl (21, 23), since the plates (21, 23) of a capacitor may not be electrically connected to each other.

In fact, in the captioned application, reference 7 more precisely indicates a shielding plate provided by the second connection element, and not a capacitor plate. Shielding plate 7 further distinguishes the structure claimed by applicant from that described in Kiyoshi. Shielding plate 7 is arranged such that it provides shielding between inductor 3 and the capacitor (4, 6), which leads to a good reproducible resonance frequency for the circuit. Thus, while providing a good reproducible resonance frequency due to the shielding plate 7, the components of the circuit can also be arranged such that the capacitor (4, 6) is confronting inductor 3 which provides considerable space savings, since at least a portion of the capacitor (4, 6) can be arranged elsewhere, but outside the coil-shaped inductor 3, and at the same time, a considerably improved detection level is achieved since at least a portion of the capacitor (4, 6) can be arranged elsewhere but still inside the coil-shaped inductor 3.

In Kiyoshi, there is no teaching of inclusion of a shielding plate and there is no need for such either. In Kiyoshi, both capacitors are arranged and have to be arranged in full outside of the induction coil 30, and, accordingly, considerable space is consumed outside induction coil 30, resulting in a larger overall circuit size. In fact, with conventional non-folded circuits, Kiyoshi allows provision of an increased capacity by a factor of about 1.6 to 1.9 (estimated from the Figures of Kiyoshi) assuming a constant space consumption; or corresponding space savings when assuming a constant capacity. With respect to applicant's claimed resonance tag, Kiyoshi's circuit consumes more space, assuming a constant capacity.

Further, the Examiner asserts that only one capacitor is needed. Applicant submits that no suggestion is present in Kiyoshi to modify Kiyoshi's circuit so as to omit one of the capacitors and instead provide a shielding plate arranged, after folding, below the other capacitor and connected to the other side of the insulating support layer. Omitting one of the capacitors C1 or C2 in Kiyoshi is not taught or suggested since this feature has particular importance in Kiyoshi's circuit in that C1 and C2 are

arranged above each other. Kiyoshi's folding does not make sense without that feature. Since Kiyoshi teaches the requirement of two capacitors, if it were required to provide a Kiyoshi-type circuit with a smaller overall capacity (so as to increase Q), applicant submits that in view of the specific teachings that one skilled in the art would simply reduce the size of the capacitors C1 and C2, which would also result in space savings.

Accordingly, in view of the differences set forth above between the claimed tag and the label described in Kiyoshi, applicant respectfully submits that Kiyoshi does not teach or suggest the claimed tag so as to render the claimed tag obvious within the meaning of 35 U.S.C. §103. Withdrawal of the §103 rejection based on Kiyoshi is respectfully requested.

Kiyoshi is also applied in combination with Tsai as to dependent claims 8-9 and 13-14 and in combination with Tait as to dependent claim 11. Each of Tsai and Tait are applied with respect to additional limitations set forth in the dependent claims. Applicant submits that neither Tsai nor Tait make up for the shortcomings of Kiyoshi as set forth above. Accordingly, withdrawal of the §103 rejection

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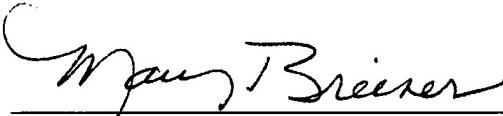
based on Kiyoshi in combination with Tsai or Tait is also respectfully requested.

Reconsideration and allowance of the claims is respectfully urged.

Respectfully submitted,

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